



Atty. Docket No: 2459-1-003
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Zhou, Ming-Ming *et al.*

SERIAL NO. : 09/510,314 EXAMINER: Lucas, Zachariah

FILED : February 22, 2000 ART UNIT: 1648

FOR : METHODS OF IDENTIFYING MODULATORS OF BROMODOMAINS

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Michele Hofherr

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Michele Hofherr 5.28.10

(Signature and Date)

DECLARATION UNDER 37 C.F.R. §1.131

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

Dear Sir:

I, Ming-Ming Zhou, hereby declare as follows:

1. I am a Professor and Chairman of the Department of Structural and Chemical Biology at Mt. Sinai School of Medicine, a Director in the Translational Chemical Biology Center, and Co-Director of the Experimental Therapeutics Institute at Mount Sinai School of Medicine, having received my Ph.D. degree in Chemistry from Purdue University in 1993. After that, I served as a postdoctoral fellow at Abbott Laboratories in Chicago, Illinois.

2. My curriculum vitae is attached hereto as Exhibit A.

3. My principal area of research is Structural and Chemical Biology, as well as epigenetic regulation of gene transcription. Among other positions I serve as reviewer in numerous scientific journals including *Analytic Biochemistry*, *Biophysical Journal*, *Cell*, *Chemistry & Biology*, *EMBO Journal*, *European Journal of Biochemistry*, *FEBS Letters*, *GENE*, *JACS*, *Journal of Molecular Biology*, *Molecular Cell*, *Nature Structure & Molecular Biology*, *Protein Science*, *Science* and *Structure*. I also have served as a reviewer for funding agencies including the American Cancer Society, the American Heart Association, the Israel Science Foundation, the National Science Foundation, the NIH and the European Commissions.

4. I am an inventor of the above-referenced application together with Aneel Aggarwal, Ph.D.

5. That the subject application was filed in the United States Patent and Trademark Office on February 22, 2000.

6. I am also familiar with the scientific publication Dhalluin *et al.*, *Nature* 1999; 399:491-496, which describes a research study that I directed in my research laboratory at Mount Sinai School of Medicine, and for which I served as a corresponding author and communicated with the editors of *Nature* for its publication.

7. The invention described and claimed in the above-referenced application was conceived in the United States prior to the effective date of Dhalluin *et al.*, *Nature* 1999; 399:491-496. (June 3, 1999), particularly prior to March 29, 1999, the date that we submitted a revised manuscript to *Nature* for review. (See, attached copy of the revised manuscript, submitted herewith as Exhibit B).

8. I and co-inventor Aneel Aggarwal, Ph.D. were diligent in reducing the invention to practice at a minimum by filing United States Patent Application Serial No. 09/510,314, on February 22, 2000, from a date at least as early as December 7, 1998 when we completed the determination of the human PCAF bromodomain structure and identified its biochemical function as an acetyl-lysine binding domain. (See, attached copy of the Statistics Tables of the final family of the NMR solution structures of the PCAF bromodomain, submitted herewith as

Exhibit C).

9. As noted in paragraphs 7 and 8, I submit herewith as Exhibit B a copy of the revised manuscript submitted to the journal of *Nature* dated March 29, 1999, and copies of computer print-outs of the Statistics Tables of the NMR solution structures of the PCAF bromodomain dated December 8, 1998. The subject matter of the revised manuscript is identical to the reference Dhalluin *et al.*, *Nature* 1999; 399:491-496. (June 3, 1999).

10. I further hereby declare that all statements made herein of my own knowledge are true and that all statement made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.



Dated: May 26, 2010

Ming-Ming Zhou, Ph.D.